UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,755	11/03/2000	Hideaki Furukawa	03500.010563.1	4371

5514   7590   02/25/2009
FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER
FENNEMA, ROBERT E

ART UNIT	PAPER NUMBER
2183	

MAIL DATE	DELIVERY MODE
02/25/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/704,755	FURUKAWA, HIDEAKI
	Examiner	Art Unit
	ROBERT E. FENNEMA	2183

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _01 December 2008_.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _138-149_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _138-149_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____ .
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

U.S. Patent and Trademark Office
PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20090218

DETAILED ACTION

1.   Claims 138-149 have been considered. Claims 150-158 cancelled as per

Applicant's request. Claims 138, 142, and 146 amended as per Applicant's request.

2.   It is noted that the Examiner of record for this case has changed. Future

correspondence may be addressed to Robert Fennema (contact information below).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 138-149 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Clark et al. (USPN 4,206,996, herein Clark), in view of Suzuki (USPN 5,270,775).

5.   As per claim 138, Clark teaches: An output control apparatus communicating

with an information processing apparatus via a network and controlling a printer, the

output control apparatus comprising:

      print counting means for counting a print count value indicating a number of

prints in response to delivery of a print sheet printed by the printer (Column 15, Lines

63-67);

first trouble counting means for counting a first trouble count value indicating a number of print troubles of the printer (Column 16, Lines 15-30, the jam register pointer counter);

second trouble counting means for counting a second trouble count value indicating a number of print troubles which occur until the print count value counted by said print counting means reaches a predetermined value (Column 16, Lines 15-30, the jam copies counter);

determination means for determining whether or not the print count value counted by said print counting means reaches the predetermined value (Column 16, Lines 23-30, when the print counting means reaches a predetermined value (not zero), the second count means is reset);

initialization means for, if said determination means determines that the print count value counted by said print counting means reaches the predetermined value, initializing the second trouble count value counted by said second trouble counting means, without accepting a manual operation by the user (Column 16, Lines 23-30, when the print counting means is not zero, the second count means is reset),

wherein said second trouble counting means repeatedly counts the number of print troubles which occur for the number of prints of the predetermined value (Column 16, Line 15-30), but fails to teach:

transmission control means for controlling transmission of trouble data including the second trouble count value counted by said second trouble counting means to the information processing apparatus via the network, without receiving a request for

outputting the second trouble count value from the information processing apparatus, if

said determination means determines that the print count value counted by said print

counting means reaches the predetermined value.

Clark teaches counting a number of troubles that occur during printing, but does

not teach transmitting the data via a network, if the print count value reaches a

predetermined value. However, Suzuki teaches in Column 4, Lines 1-25, that it is

advantageous for information such as the number of paper jams in a copier (the trouble

count in the claims) to be sent out via a network to a host computer in order for

processing (Column 5, Lines 1-25). It would have been obvious to one of ordinary skill

in the art to combine Suzuki with the teachings of Clark because the use of Suzuki

could provide Clark the ability to expand the system connection to a greater number of

workstations or terminals, and one of ordinary skill in the art should be able to recognize

the network of Suzuki could be applicable into the printer system of Clark in order to

provide the enhanced system connectivity, and since no specific network type has been

reflected into the claim, one of ordinary skill in the art should be able to recognize the

advantages of network application of Suzuki in general into Clark for achieving the

expanded network connection of Clark's printer machine.

6.   As per Claim 139, Clark teaches: An output control apparatus according to claim

138, wherein the print count value reaches the predetermined value (Column 16, Lines

23-26).

7.   As per Claim 140, Suzuki teaches: An output control apparatus according to

Claim 138, wherein said transmission control means controls transmission of the trouble

data and information unique to said output control apparatus at the same time (Column

3, Line 64 – Column 4, Line 25).

8.   As per Claim 141, Clark teaches: An output control apparatus according to Claim

138, but fails to teach:

        wherein said output control apparatus is a digital copier.

        While Clark does not explicitly teach a digital copier, since no specific details of a

digital copier are being recited into the claim, Examiner holds that digital copiers had

been known in the art at the time the claimed invention was made.

9.   As per Claim 142, Clark teaches: A method of communicating by an output

control apparatus with an information processing apparatus via a network and

controlling a printer, the method of communicating comprising:

        a print counting step of counting a print count value indicating a number of prints

in response to delivery of a print sheet printed by the printer (Column 15, Lines 63-67);

        a first trouble counting step of counting a first trouble count value indicating a

number of print troubles of the printer (Column 16, Lines 15-30, the jam register pointer

counter);

        a second trouble counting step of counting a second trouble count value

indicating a number of print troubles which occur until the print count value counted in

said print counting step reaches a predetermined value (Column 16, Lines 15-30, the

jam copies counter);

a determining step of determining whether or not the print count value counted in

said print counting step reaches the predetermined value (Column 16, Lines 23-30,

when the print counting means reaches a predetermined value (not zero), the second

count means is reset);

an initialization step of, if in said determination step it is determined that the print

count value counted in said print counting step reaches the predetermined value,

initializing the second trouble count value counted in said second trouble counting step,

without accepting a manual operation by the user (Column 16, Lines 23-30, when the

print counting means is not zero, the second count means is reset),

wherein said second trouble counting step repeatedly counts the number of print

troubles which occur for the number of prints of the predetermined value (Column 16,

Line 15-30), but fails to teach:

a transmission control step of controlling transmission of trouble data including

the second trouble count value counted in said second trouble counting step to the

information processing apparatus via the network, without receiving a request for

outputting the second trouble count value from the information processing apparatus, if

it is determined in said determination step that the print count value counted in said print

counting step reaches the predetermined value.

Clark teaches counting a number of troubles that occur during printing, but does

not teach transmitting the data via a network, if the print count value reaches a

predetermined value. However, Suzuki teaches in Column 4, Lines 1-25, that it is

advantageous for information such as the number of paper jams in a copier (the trouble

count in the claims) to be sent out via a network to a host computer in order for

processing (Column 5, Lines 1-25). It would have been obvious to one of ordinary skill

in the art to combine Suzuki with the teachings of Clark because the use of Suzuki

could provide Clark the ability to expand the system connection to a greater number of

workstations or terminals, and one of ordinary skill in the art should be able to recognize

the network of Suzuki could be applicable into the printer system of Clark in order to

provide the enhanced system connectivity, and since no specific network type has been

reflected into the claim, one of ordinary skill in the art should be able to recognize the

advantages of network application of Suzuki in general into Clark for achieving the

expanded network connection of Clark's printer machine.

10.   As per Claim 143, Clark teaches: A method according to claim 142, wherein said

initialization step initializes the print count value and the trouble count value if the print

count value reaches the predetermined value (Column 16, Lines 23-26).

11.   As per Claim 144, Suzuki teaches: A method according to Claim 142, wherein

said transmission control step controls transmission of the trouble data and information

unique to the output control apparatus at the same time (Column 3, Line 64 – Column 4,

Line 25).

12.   As per Claim 145, Clark teaches: A method according to Claim 142, but fails to
teach:

    wherein the output control apparatus is a digital copier.

    While Clark does not explicitly teach a digital copier, since no specific details of a

digital copier are being recited into the claim, Examiner holds that digital copiers had

been known in the art at the time the claimed invention was made.

13.   As per Claim 146, Clark teaches: A memory medium, storing computer-

executable code for a method of communicating by an output control apparatus with an

information processing apparatus via a network and controlling a printer, the method of

communicating comprising:

    a print counting step of counting a print count value indicating a number of prints

in response to delivery of a print sheet printed by the printer (Column 15, Lines 63-67);

    a first trouble counting step of counting a first trouble count value indicating a

number of print troubles of the printer (Column 16, Lines 15-30, the jam register pointer

counter);

    a second trouble counting step of counting a second trouble count value

indicating a number of print troubles which occur until the print count value counted in

said print counting step reaches the predetermined value (Column 16, Lines 15-30, the

jam copies counter);

    a determining step of determining whether or not the print count value counted ini

said print counting step reaches the predetermined value (Column 16, Lines 23-30,

when the print counting means reaches a predetermined value (not zero), the second

count means is reset);

an initialization step of, if it is determined in said determination step that the print

count value counted in said print counting step reaches the predetermined value

(Column 16, Lines 23-30, when the print counting means is not zero, the second count

means is reset), initializing the second trouble count value counted in said second

trouble counting step,

wherein said second trouble counting step repeatedly counts the number of print

troubles which occur for the number of prints of the predetermined value (Column 16,

Line 15-30), but fails to teach:

a transmission control step of controlling transmission of trouble data including

the second trouble count value counted in said second trouble counting step to the

information processing apparatus via the network, without receiving a request for

outputting the second trouble count value from the information processing apparatus, if

it is determined in said determination step that the print count value counted in said print

counting step reaches the predetermined value.

Clark teaches counting a number of troubles that occur during printing, but does

not teach transmitting the data via a network, if the print count value reaches a

predetermined value. However, Suzuki teaches in Column 4, Lines 1-25, that it is

advantageous for information such as the number of paper jams in a copier (the trouble

count in the claims) to be sent out via a network to a host computer in order for

processing (Column 5, Lines 1-25). It would have been obvious to one of ordinary skill

in the art to combine Suzuki with the teachings of Clark because the use of Suzuki

could provide Clark the ability to expand the system connection to a greater number of

workstations or terminals, and one of ordinary skill in the art should be able to recognize

the network of Suzuki could be applicable into the printer system of Clark in order to

provide the enhanced system connectivity, and since no specific network type has been

reflected into the claim, one of ordinary skill in the art should be able to recognize the

advantages of network application of Suzuki in general into Clark for achieving the

expanded network connection of Clark's printer machine.

14.   As per Claim 147, Clark teaches: A memory medium according to claim 146,

wherein said initialization step initializes the print count value and the trouble count

value if the print count value reaches the predetermined value (Column 16, Lines 23-

26).

15.   As per Claim 148, Suzuki teaches: A memory medium according to Claim 146,

wherein said transmission control step controls transmission of the trouble data and

information unique to the output control apparatus at the same time (Column 3, Line 64

– Column 4, Line 25).

16.   As per Claim 149, Clark teaches: A memory medium according to Claim 146, but

fails to teach:

    wherein the output control apparatus is a digital copier.

While Clark does not explicitly teach a digital copier, since no specific details of a digital copier are being recited into the claim, Examiner holds that digital copiers had been known in the art at the time the claimed invention was made.

Response to Arguments

17.   Examiner has noted the Applicant's remarks towards the 112 and 251 rejections,

and has withdrawn both in light of the arguments and amendments presented.

18.   Applicant has argued that Clark and Suzuki fail to teach a second trouble

counting means for counting a second trouble count value indicating a number of print

troubles which occur until the print count value reaches a predetermined value, a

determination means for determining whether or not the print count value reaches a

predetermined value, transmitting this data, and initializing the second trouble count

value, wherein the second trouble counting means repeatedly counts the number of

print troubles which occur for the number of prints of the predetermined value. However,

Examiner believes Clark teaches this limitation, in the jam copies counter. When the

count value is not 0 (a predetermined value), then the jam copies counter is initialized to

1, and another counter is incremented (jam register pointer counter). Examiner believes

that these teachings in Clark appropriately reject the limitations in the claim. While

Examiner appreciates the Applicant's explanation of how the invention is different than

Clark, as seen on Pages 10 and 11 of the arguments, Examiner does not believe that

sufficient detail is in the claims to represent these differences.

Regarding Applicant's arguments towards Suzuki, Applicant appears to

essentially have argued that Suzuki does not teach what Clark lacks, however, as

explained above, Examiner does not believe that Clark is lacking in those areas which

the Applicant finds Clark lacking (the second trouble count means), and as a result,

believes that Suzuki appropriately teaches what Suzuki is used for, that is, transmitting

the trouble counting means across a network.

Conclusion

19.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to ROBERT E. FENNEMA whose telephone number is

(571)272-2748. The examiner can normally be reached on Monday-Friday, 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Eddie Chan can be reached on (571) 272-4162. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eddie P Chan/   Robert E Fennema
Supervisory Patent Examiner, Art Unit 2183   Examiner
                                                                    Art Unit 2183

RF